

EXHIBIT B

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FILED

JUN 26 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
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8 IN THE SUPREME COURT
FOR THE STATE OF NEVADA

10 MINERAL COUNTY, a Political Subdivision
of the State of Nevada; and the WALKER LAKE
11 WORKING GROUP,
12 Petitioners,
13 v.
14 STATE OF NEVADA; NEVADA DEPARTMENT
OF CONSERVATION AND NATURAL
15 RESOURCES, an agency of the State of Nevada;
PETER MORROS, Director of the Department of
16 Conservation and Natural Resources; and,
MICHAEL TURNIPSEED, State Engineer,
17 Respondents.
18

Case No. 36352

**PETITION FOR WRIT
OF MANDAMUS AND
WRIT OF PROHIBITION**

19 Pursuant to NRS § 34.150 et seq., and NRAP 21, Petitioners hereby petition this Court
20 for the issuance of a Writ of Mandamus and Writ of Prohibition, directing Respondents to cease
21 issuing water rights in the Walker River system, and to fulfill their affirmative and mandatory
22 public trust obligation to manage the waters of the Walker River system in a manner which
23 ensures that flows reaching Walker Lake will be adequate to sustain the lake's public trust uses,
24 including fisheries, recreation, and wildlife habitat. Petitioners also ask that Respondents be
25 directed to reconsider past allocation and management decisions in the Walker River basin to halt
26 and reverse the ongoing, substantial impairment of Walker Lake and its public trust uses.
27

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1 This Petition is brought on the following grounds:

2 1. The public trust doctrine requires the State of Nevada and its agents, the
3 Department of Conservation and Natural Resources and the State Engineer, to affirmatively
4 manage and regulate Walker Lake, and the lands underneath, for the protection of public uses,
5 including navigation, commerce, fisheries, recreation, and wildlife. Pursuant to the public trust
6 doctrine, Respondents cannot abdicate their interests in the beds or the waters of Walker Lake to
7 the use and control of private parties, or allow the substantial impairment of the public's interest
8 in the trust resource.

9 2. Respondents, having authority and control over the water resources of the Walker
10 River basin and the appropriation of those waters, have violated and continue to violate the
11 public trust doctrine by managing the waters of the Walker River system, including the granting
12 of water rights and groundwater pumping permits, and allowing the withdrawal of surface and
13 groundwater without such permits, in a manner that has caused and is causing the substantial
14 impairment, decline, degradation and loss of Walker Lake, its fisheries, wildlife habitat, and
15 recreational values.

16 3. Respondents have further violated and continue to violate the public trust by
17 allowing the lake levels of Walker Lake to substantially recede, thereby potentially placing into
18 dispute the title to state lands that were at one time beneath Walker Lake.

19 4. Petitioners Mineral County and the Walker Lake Working Group have suffered
20 and continue to suffer significant harm as the result of Respondents' actions. The substantial
21 impairment of Walker Lake's public trust uses has caused and continues to cause injury to
22 Petitioners' economic interests, as well as their recreational, aesthetic, and ecological use and
23 enjoyment of Walker Lake. A Writ of Mandamus and Writ of Prohibition are necessary and
24 proper to remedy Petitioners' ongoing harm and to prevent further harm and injury to Petitioners.

25 5. Petitioners have no plain, speedy, or adequate remedy at law to compel
26 Respondents to perform their affirmative duties under the public trust doctrine, or to prevent
27 Respondents from further violating their public trust duties.

